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Sixty-eighth year

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Friday, 22 February 2013, 10.15 a.m.
New York

President:	Mr. Kim Sook	(Republic of Korea)
Members:	Argentina	Mr. Oyarzábal
	Australia	Ms. King
	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	France	Mr. Araud
	Guatemala	Mr. Rosenthal
	Luxembourg	Ms. Lucas
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Masood Khan
	Russian Federation	Mr. Iliichev
	Rwanda	Mr. Gasana
	Togo	Mr. M'Beou
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mr. DeLaurentis

Agenda

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2013/96)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2013/96)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Democratic Republic of the Congo to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Roger Meece, Special Representative of the Secretary-General and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda. Members of the Council have before them document S/2013/96, which contains the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

I now give the floor to Mr. Meece.

Mr. Meece (*spoke in French*): I am honoured to have been given the opportunity to present to the Security Council an overview of the situation in the Democratic Republic of the Congo and on the work of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in the context of the report of the Secretary-General distributed to the Council last week (S/2013/96). Certain elements of the current situation are encouraging, including the relative continued weakness of the organization and combatants of the Forces démocratiques de libération du Rwanda (FDLR) in the Democratic Republic of the Congo.

Nevertheless, I regret to inform the Council that the general security situation in eastern part of the country has continued to deteriorate since my last briefing (see S/PV.6868). Worse yet, certain areas have seen a significant deterioration in security and humanitarian terms. I refer here to the situation in northern Katanga. Moreover, it is my intention to focus the Council's attention on the security situation and associated key factors. Of course, I will briefly touch on certain other important developments linked to the Democratic Republic of the Congo.

(*spoke in English*)

The attention of both the Congolese authorities and the international community has been focused mostly on the mutiny originally started by Bosco Ntaganda and now widely referred to as the Mouvement du 23 mars (M-23) rebellion. That attention is well merited. The consequences of the rebellion arising both from the direct action of the M-23 forces and the indirect effects felt throughout North Kivu and neighbouring provinces represent the most serious security threats to stability in the region in general and the population in particular, at least since I took up duties in Kinshasa in July 2010.

While there has been a general pause in M-23 offensive operations since its temporary occupation of the provincial capital of Goma late last year, the M-23 has continued to consolidate its own administrative structures in the portion of North Kivu it occupies, with reports of widespread violence and threats of violence within that area, targeting local authorities or others who attempt to resist its authority. In addition, MONUSCO continues to receive many reports of continuing M-23 recruitment of new combatants, including through the use of force, and widespread recruitment of minors. We have also observed that the M-23 has maintained significant military positions just outside of the city of Goma, in violation of the Kampala agreement reached last year. Those positions include well-placed firing positions on the Munigi Heights, which put the Goma airport within firing range. There has been no evidence to date of any general pullback of M-23 forces or a significant change in their general military posture. The M-23 forces maintain an appearance of being well supplied, well provisioned and well armed.

The M-23 has also continued to conduct patrols or stage other operations immediately adjacent to the city of Goma. Those have provoked in recent weeks increased fears and rumours in the area of an imminent resumption of large-scale military actions. They are indicative of a generally tense and fearful atmosphere in Goma and the general region. The overall situation is volatile and precarious and could break down at any

time into large-scale conflict without much, if any, prior warning.

Government forces, the Forces armées de la République démocratique du Congo (FARDC), are maintaining a military presence in Goma of 650 troops, in accordance with the Kampala agreement. The FARDC Eighth Military Region headquarters has been re-established in an area south of Sake in the province. A renewed Congolese police presence has been established in Goma with the support and collaboration of MONUSCO, which has been maintaining order despite a shortage of arms, vehicles and other resources since the M-23 occupation of the city. Absent the three-way security arrangement at the Goma airport called for by the Kampala agreement, MONUSCO has maintained overall control of the airport from the time of the occupation through the present.

Associated with this situation, we have continued to see a general increase in Congolese militia activity through the province. Whether by design or simply circumstance, the continuing clashes between armed groups have assumed the character of proxy battles. For example, in the very volatile area around Pinga in North Kivu, there have been ongoing clashes between Mayi-Mayi Cheka, with Cheka having shifted his collaboration from the FDLR to the M-23, and the Alliance des patriotes pour un Congo libre et souverain, a militia now sharing anti-M-23 objectives with the FARDC. Other armed confrontations are regularly occurring involving a number of other forces, including the FDLR, Rahiya Mutumboki, Nyatura, the Front Congolais pour la rétablissement de la démocratie, Mayi-Mayi Shetani, and various other groups. Inter-community ethnic tensions, sharply heightened since last year by the M-23 rebellion, characterize many of these conflicts. All contribute to a general situation of instability, an overall degradation of security conditions, and a state of quasi-permanent threat to much of the population of the province.

The M-23 has been unable to establish any significant base of support outside of its occupied area of North Kivu, despite its strong efforts to do so. Nonetheless, there has been a general increase in militia activity in South Kivu province, increased insecurity in the northernmost portion of North Kivu, and ongoing strife in Ituri district of Orientale province, facilitated by security voids and the general preoccupation of authorities with the M-23 threat. This general increase includes some increased activity by the Ugandan Allied Democratic Forces (ADF) group based in northern North Kivu, although it is not clear at this time whether this represents a longer-term trend or is a short-term coincidence. Widespread reports of killings, sexual violence including rape, the use of children and forced recruitment, and other human rights abuses characterize the violence in essentially all areas.

There are two relative brighter spots, if I may use that term, in the general security scene in eastern Democratic Republic of the Congo. One is the continuing weakness of the FDLR and its apparent inability to rebuild or reinforce its general capabilities, despite the general lessening of FARDC and joint military operations directed against them since the beginning of the M-23 rebellion. There has been a major reduction in the number of FDLR personnel processed for repatriation since a peak of 141 repatriated combatants was achieved in March 2012, just before the outbreak of the M-23 rebellion. This result was associated with the joint operations then ongoing in South Kivu. Numbers have fallen considerably since.

We did record an unusual surge in January of 66 repatriated Rwandan FDLR combatants, in contrast to the 29 recorded in December. Forty-four of these, however, were in South Kivu, apparently connected with a large-scale move of the majority of FDLR personnel left in that province, apparently seeking areas safer from attack by Rahiya Mutumboki and others. As of 15 February, however, only 19 FDLR combatant repatriations have been recorded for the month, apparently indicating a return to the generally low repatriation levels of late 2012.

Despite these conditions, there is no evidence that the FDLR has been able to build any new strength; in fact, all reports suggest the opposite. While the FDLR certainly does retain a significant capacity for making trouble in the areas of its operations, particularly in North Kivu, it seems clear that its overall position is weak — certainly compared to that of two or more years ago.

In Orientale district in north-eastern Democratic Republic of the Congo, the attacks and generally activities of the Lord's Resistance Army (LRA) also appear limited. In collaboration with the Dungu Joint Intelligence and Operations Centre, we continue to estimate LRA combatant levels in the Democratic Republic of the Congo to be very limited. Generally operating in small and usually poorly equipped and

supplied groups, LRA fighters certainly do continue to exact severe violence on civilians they target, including abductions, significant violence and looting by armed elements. Also, of course, the group retains the capability to move forces across borders at will, requiring ongoing vigilance and regional cooperation to put an end to this regional threat. For some time now, however, LRA operations and numbers in the Democratic Republic of the Congo have been of more limited scale. It should also be noted that the sparsely settled but very large areas of Haut-Uélé and Bas-Uélé districts also continue to experience elevated levels of violence from criminals, including poachers.

MONUSCO has sought to respond to all of these threats using all available resources and to the limits of our mandate. As noted in the Secretary-General's report, for example, and contrary to a considerable amount of erroneous press reporting at the time, MONUSCO was substantially engaged militarily to oppose M-23 offensive operations, including the November offensive against Goma. I would be happy to supply Council members with a detailed account of the military operations surrounding that M-23 offensive, as may be desired.

Unfortunately, as is clear, this military engagement and that of the Congolese FARDC forces failed to halt a strong, well-conceived, well-equipped and determined operation to take control of Goma. MONUSCO has been continuously reviewing our deployments and bases of operations to try to ensure maximum capacity to respond not only to the M-23 operations, but also to the threat posed by a wide variety of armed groups throughout eastern Democratic Republic of the Congo. Our civilian and police components and United Nations specialized agencies have all worked closely together to respond as effectively as possible to a broad and growing range of security and humanitarian issues. I must underscore again, however, that our forces and our resources are stretched very thin over a broad area. Indeed, as new threats are emerging in other areas, including Maniema and Katanga provinces, we have a very limited opportunity to respond to them.

As the Council is aware, there have been a broad range of regional and international efforts under way in regard to this daunting array of issues, and most especially in regard to the threats posed by the M-23, FDLR, ADF and other armed groups in North and South Kivu. These include the regional peace framework initiative spearheaded by the Secretary-General's office to achieve a durable peace in the region, talks under way in Kampala under the general coordination of Uganda as chair of the International Conference of the Great Lakes Region, and increased regional initiatives associated with the Southern African Development Community (SADC) and the African Union. I will not detail all of those here, as the Council has already received substantial reporting and updates on these efforts.

I will briefly mention, however, two particularly important pending initiatives with a direct potential impact on MONUSCO activities. The first has been the proposal to add an unmanned aerial vehicle (UAV) surveillance capability to MONUSCO. I would like to express my personal thanks and appreciation to the Council for its support of this proposal, and I can assure Council members that we are moving forward with the relevant New York offices to ensure deployment of these UAVs at the earliest possible time. Our field personnel have affirmed to me the importance of the potential benefits that can accrue from this new capability, once deployed.

The other is the widely discussed proposal for an additional military force or brigade within MONUSCO equipped with a peace enforcement authority going beyond a traditional United Nations peacekeeping mandate. From my perspective, it has become increasingly clear that the United Nations Organization Mission in the Democratic Republic of the Congo, now MONUSCO, has long operated consistent with a traditional United Nations peacekeeping model developed and based on a post-conflict environment. Unfortunately, of course, as recent events have underscored anew, the environment in which the Mission operates is much more and too often one of active conflict.

Seeking to adapt a post-conflict peacekeeping model to this context has not been particularly satisfactory. I am convinced that a peace enforcement capability on the ground is a necessary component to help achieve the conditions necessary to obtain the engagements and commitments needed by all parties to permit a durable peace in the area to be established. As a specific proposal for that prospective force is finalized — likely utilizing military forces to be provided by SADC — I would strongly encourage the Council to give serious consideration to the proposal, its needs and requirements and, I hope, provide the necessary support and authorization for such a force to

be deployed at the earliest time possible. I believe that represents an urgently needed and important response to the existing situation on the ground, especially in North and South Kivu.

In discussing current security threats, I must also note the recent worrisome security developments in Katanga and other provinces. The Mayi-Mayi leader known as Gédéon and associated militias, such as Kata Katangais and others, have been increasing their activities in northern Katanga province since Gédéon's escape from prison in late 2011. The situation has now reached alarming proportions, affecting a growing geographic region and already producing a major humanitarian crisis. The Office for the Coordination of Humanitarian Affairs now estimates that there are 316,000 displaced persons in Katanga because of Gédéon-related military activity. That number is growing.

We have received many requests for an increased MONUSCO presence and response. Unfortunately, we have a very limited presence in the area and, correspondingly, a limited capacity for response. Nonetheless, we are looking at all possibilities involving all relevant country team agencies, as well as MONUSCO, and working with local, provincial and national authorities to identify options. I fear, however, that the situation will likely grow worse in the coming weeks.

Likewise, I have been concerned by events that took place roughly a week ago, with the temporary occupation of the town of Punia in Maniema province by a cell of the Rayi Mutumboki militia group — a considerable distance from what had been their area of operations in South Kivu province. That represents another expansion of the reach of militia activity and violence and, again, beyond the area of any MONUSCO presence. In that case, a FARDC counter-attack using troops from Kisangani was able to drive out the Rayi Mutumboki elements a day after their occupation of the town, driving them east towards Kasese, a town in Maniema that was still under Rayi Mutumboki occupation as of early this week. Fortunately, there were no casualties among the humanitarian workers from a number of agencies operating in the area. Nonetheless, that, too, represents a worrisome development to which we have a limited ability to respond. I would also note, in passing, as significant issues to monitor, potential problems with continuing tensions in parts of Equateur province and reported significant refugee flows from the Central African Republic into Equateur.

The increasing challenge to humanitarian agencies has been growing increasingly acute, particularly in the light of the ongoing financial pressures limiting funding for needed operations. Humanitarian workers are facing daunting challenges in delivering services to needy populations, certainly including, but not limited to, the large and growing numbers of internally displaced persons (IDPs) in the Kivus, but elsewhere as well. The challenges include adequate access as needed and associated security threats posing potential immediate dangers to the individuals and agencies involved. We are working as closely as possible with MONUSCO resources and those drawn from all United Nations agencies to respond to those needs. Those include security concerns, focused on large and growing IDP camps in North Kivu, in protecting those in the camps from attacks. We have achieved some progress in that regard. However, I would very much urge all Member States and organizations to be as forthcoming as possible to support those humanitarian efforts to the maximum extent possible, so as to facilitate effective responses to the already enormous, and likely growing, needs.

Before concluding my remarks, I would like to briefly note a few important developments also touching on MONUSCO's mandate.

The Nations Assembly recently adopted a new election law providing for substantial reforms to the Independent National Electoral Commission (INEC). Just within the past week, the Assembly also passed a required legal review by the Supreme Court, which will be forwarded to President Kabila for promulgation in the next few days, which we expect soon. That will set the stage for INEC reforms, including a new formulation of an oversight plenary and executive board. As that unfolds, we will need to examine, in collaboration with all engaged partners, the prospects and timing for needed pending democratic and transparent provincial and local elections to determine an appropriate engagement to support the process. That represents a critical phase of development for the nascent democracy in the Democratic Republic of the Congo, as well as for pending decentralization moves consistent with the 2006 Constitution and popular will, all in the general existing political context. It is too early to reach definite conclusions about how those processes can and will unfold. The issues represented,

however, are of obvious importance to the future of the country and its people.

I must also note that critical reviews of the existing stabilization and reconstruction plan for areas emerging from armed conflict/international strategy for security and stabilization programmes in the eastern part of the Democratic Republic of the Congo, as well as moves to advance to formal adoption the Peace Consolidation Programme for other areas of the country, are also moving forward. All of them are of great importance for the stability and development of the country. All affect the issues of MONUSCO involvement, the transfer of functions, as possible, to country team members, and how key issues may be addressed generally. I should also note that all of those questions are directly linked as well to issues of security and stability in the eastern and other areas of the country; each is also important by itself.

Security sector reforms, most critically military reform efforts, also remain at the centre of key immediate priorities. President Kabila recently repeatedly reaffirmed the importance of that sector and his intentions to implement major new activities in that regard. However, it remains of vital importance to define a comprehensive strategy that provides the needed resources, engagements and expertise of all parties under Congolese Government overall direction. We will maintain an active dialogue with Government authorities to define how those initiatives may unfold.

I should also note significant recent progress in two key areas, including the formal adoption of a joint United Nations/Congolese Government action plan to stop and prevent underage recruitment, sexual violence against children and other grave child rights violations by FARDC and Congolese security services. We have made considerable progress to define associated specific actions, which represents a major and encouraging step forward in a long-standing area of concern. As well, I am pleased to report that we are nearing the formal adoption of the long-awaited multi-year joint justice programme, to be jointly signed by the Congolese Minister of Justice and the United Nations, with its implementation overseen by the Ministry of Justice. I am optimistic that that will be ready for adoption and signature in the near future. That will effectively complement our ongoing efforts with the military justice system in the fight against impunity, which remains a high priority. We will continue to pursue those activities as strongly as possible

Finally, before I conclude, let me take note of the various discussions and options regarding potential modifications of the MONUSCO mandate. I strongly believe that such a review is appropriate. Indeed, I have already indicated some areas where I believe a modification is urgently needed, especially with regard to a new peace-enforcement capability. Let me also strongly urge that those discussions be held in full cognizance of the overall context and the limitations of MONUSCO's available human and other resources. Above all, I strongly urge that the temptation be resisted to add more to the already very substantial compilation of MONUSCO tasks and requirements. It is essential that mandate-tasking be tailored to a realistic appraisal of the overall context and available resources and capacities.

(*spoke in French*)

I should like to reiterate my sincere gratitude to all the members of the Security Council, as well as Member States, for their active support for MONUSCO and its personnel, who work under dangerous and difficult circumstances. Allow me to express to all of MONUSCO's personnel, military and civilian alike, a final word of gratitude and commendation against the backdrop of a very worrisome situation in the Kivus and Katanga. All United Nations staff carry out their work with perseverance, often in the most difficult of conditions, thereby demonstrating a spirit of sacrifice and commitment that honours the ideals of the United Nations. Blue Helmets and civilian personnel alike face the challenges associated with the mandate that the Council has entrusted to them with professionalism, courage and determination. In that regard, they deserve our gratitude and our admiration. My thanks go to them and to the Council for its support and attention.

The President: I thank Mr. Meece for his briefing.

I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Gata Mavita wa Lufuta (Democratic Republic of the Congo) (*spoke in French*): I would like to say once again how much we are honoured to see you, Mr. President, as the President of the Security Council at this time and to reassure you of my country's support in the success of your very noble task.

I thank the Council for the opportunity to speak at this meeting convened to consider the situation in the Democratic Republic of the Congo. This is also

an opportunity for me to especially thank Secretary-General Ban Ki-moon, who, since taking up the leadership of the Organization, has spared no effort to find a solution to ensure the return of lasting peace in the Democratic Republic of the Congo. The signing on Sunday in Addis Ababa of the framework agreement on peace, security and cooperation in my country and in the Great Lakes region is further proof of his efforts.

I should like to welcome the presence of Mr. Roger Meece, Special Representative of the Secretary-General for the Democratic Republic of the Congo. I thank him for giving the Council his assessment of the progress achieved since November 2012 in the implementation of resolution 2053 (2012).

I would like to begin, if I may, by first conveying the following three points.

First, strengthening the mandate of the United Nations Organization Stabilization Mission in the Democratic of the Congo (MONUSCO) and swiftly deploying an intervention force are major concerns for my Government at the moment. That effort, as we all know, is intended to respond to a real and urgent security need in the eastern part of my country. After many appeals by my Government, the Secretary-General and a number of partners, both bilaterally and multilaterally, we believe that the matter of strengthening MONUSCO's mandate is the correct thing to do and requires swift action by the Security Council.

Secondly, taking into account the fragility of the situation on the ground, my Government calls on the Security Council to consider as quickly as possible adopting a resolution to change MONUSCO's mandate.

Thirdly, with regard to human rights violations in the area of Minova that are purported to be committed by the forces of the Democratic Republic of the Congo, I should like to point out that the Government has never refuted those accusations; quite to the contrary, it has authorized the arrest of the perpetrators of those acts so that they can be brought to justice before the competent judicial bodies. That has been done, as noted in several paragraphs of the report before the Council (S/2013/96).

I would now like to turn to that report, which Mr. Meece has just introduced. I should first like to refer to the annexes.

First of all, I would like to reiterate my Government's support for the goals of the revised comprehensive strategy that the Secretary-General proposes to replace the current International Security and Stabilization Support Strategy, as set out in annex I to the report. Our hope is that attention will be given to achieving the main goal, that is, promoting long-term economic development to ensure sustainable stability in that area of the country. With regard to the strategy and initiative to transfer responsibility for some of MONUSCO's tasks to members of the United Nations country team, as set out in annex II to the report, the Government will express itself on that point once it has had an opportunity to review the special report to be presented by the Secretary-General to the Council.

The Secretary-General's progress report, currently before the Council, clearly establishes that the activities of the Mouvement du 23 mars (M-23) have significant consequences on stability in the eastern part of the Democratic Republic of the Congo and in the Great Lakes region, affecting hundreds of thousands of innocent civilians, as noted in paragraph 78 of the report. The same paragraph also concludes that the progress achieved on a number of fronts has been hampered, or even cancelled out, in certain areas. Moreover, the Secretary-General indicates that the M-23 enjoys external support for its destabilizing actions, which my delegation has repeatedly condemned, as has the Group of Experts in the clearest terms. The tension is widely known, so I shall not go into the details. However, I would urge those who still harbour doubts to read the Group's final report, dated 12 October 2012 (S/2012/843, annex), as well as its 18 May 2012 interim report and its annex (S/2012/348, annex). The reports highlight the role of external actors in the current destabilization of the situation in the eastern part of the Democratic Republic of the Congo.

From a human rights and humanitarian assistance perspective, the cruelty of the acts attributed to M-23 terrorists and the foreign forces supporting them have resulted in a deteriorating situation that affects both North and South Kivu, as underscored in paragraph 45 of the Secretary-General's report. Numerous allegations of violations of human rights and international humanitarian law have been attributed to M-23 fighters during the period under consideration, especially in November 2012.

To return to the security situation in Goma, I commend MONUSCO's implementation of its internal security plan in the context of Operations Wide Awake and Silent Guns. Under the chapter on progress,

the report emphasizes the progress achieved in the Democratic Republic of the Congo with the adoption by the two houses of Parliament of the organic law establishing a national human rights commission, as well as the continuing discussions on security sector reform in general and reform of the armed forces in particular. In that connection, I should point out that the necessary legislation has already been adopted: law 11/012, of 11 August 2011, concerning the reorganization of the armed forces; law 11/013, also of 11 August 2011, on the organization and functioning of the national police; law 13/005, of 15 January 2013, concerning the military code for the Armed Forces of the Democratic Republic of the Congo; and the law governing the personnel of the national police, which is now being promulgated. Those efforts will be continued in order to give the country an army capable of deterrence. What matters at the moment, and what the Congolese people expect as soon as possible, is the fulfilment of the promise to change MONUSCO's mandate, with a view to deploying the intervention brigade whose establishment has been announced.

In conclusion, we look forward eagerly to the issuance of the special report of the Secretary-General on the strategy to be followed in future.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.45 a.m.